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Attorney for the Defendant
Justin Damonte Mitchell

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN DAMONTE MITCHELL,

Defendants.

CASE NO. 1:24-CR-00054 NODJ-BAM

STIPULATION TO CONTINUE
STATUS CONFERENCE AND
CONTESTED HEARING RE:
PRETRIAL RELEASE VIOLATION;
FINDINGS AND ORDER

DATE: April 8, 2024
TIME: 2:00 P.M.
JUDGE: TBD

STIPULATION

COMES NOW, Defendant, Justin Damonte Mitchell, by and through his attorney of record, Monica L. Bermudez and The United States of America, by and through its counsel of record hereby stipulate as follows:

1. By previous order, this matter was set for status conference and contested hearing re: pretrial release violation on March 13, 2024, at 2:00 p.m.

2. By this stipulation, defendants now move to vacate the status hearing until **April 8, 2024, at 2:00 p.m.**, and to exclude time between the date of this stipulation under 18 U.S.C. §§

1 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv). The government joins in this request.

2 3. The parties agree and stipulate, and request that the Court find the following:

3 a. Counsel for defendant set multiple preliminary hearings Kern County Superior Court
4 prior to setting this matter.

5 b. Counsel is also scheduled for a sentencing hearing where in the defendant is charged
6 with first degree murder and assault in the case of *People v. Perez, et al*; BF176872A.

7 c. Moreover, counsel has had a death in the family and anticipates the funeral to take
8 place next week.

9 d. The government does not object to, and agrees with, the requested continuance. It is
10 counsels' understanding that the pretrial services officer is aware of the continuance and has no
11 objection to the requested continuance.

12 e. Based on the above-stated findings, the ends of justice served by continuing the case
13 as requested outweigh the interest of the public and the defendant in a trial within the original date
14 prescribed by the Speedy Trial Act.

15 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
16 seq., within which trial must commence, the time period of the date of this stipulation to November
17 26, 2019, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
18 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at
19 defendants' request on the basis of the Court's finding that the ends of justice served by taking such
20 action outweigh the best interest of the public and the defendants in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
22 the Speedy Trial Act dictate that additional time periods are excludable from the period within which
23 a trial must commence.

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1 IT IS SO STIPULATED.

2 DATED: March 12, 2024

3 /s/ Monica L. Bermudez
4 MONICA L. BERMUDEZ
5 Counsel for Defendant
6 JUSTN DAMONTE MITCHELL

7 DATED: March 12, 2024

8 /s/ Karen Escobar
9 KAREN ESCOBAR
10 Assistant United States Attorney

11
12 **ORDER**

13 The time period of the date of this order to April 8, 2024, inclusive, is deemed excludable
14 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a
15 continuance granted by the Court at defendants' request on the basis of the Court's finding that the
16 ends of justice served by taking such action outweigh the best interest of the public and the
17 defendant in a speedy trial. The matter is continued to April 8, 2024 at 2:00 pm.

18 IT IS SO ORDERED.

19 Dated: March 12, 2024

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21 UNITED STATES MAGISTRATE JUDGE
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